1	KELLOGG CCP, LLC, C/O PRESTON								BEF	ORE T	THE					
2	SCHEFFENACKER PROPERTIES, INC.							*	PLA	PLANNING BOARD OF						
3	ZRA	140						*	Ю	WARD	COUN	TY, M	ARYL	AND		
4	*	*	*	*	×	*	*	*	*	*	*	*	*	*		
5		МО	TION:	To r	ecomm	end app	proval o	f ZRA	140 pro	vided tl	at it be	applied	l to all	TOD		
6				prop	erties, i	not just	those 5	0 acres	or larg	er, tha	t the an	nendme	ents to p	ermit		
7		drive-through service are eliminated, and that amended language to Section														
8		127.4.C in Attachment C as suggested by staff be included.														
9		AC	ΓΙΟΝ:	Reco	Recommended approval as noted; Vote 5 to 0.											
10	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
11		On S	Septembe	r 20, 20	12, the l	Planning	g Board o	of Howa	rd Coun	ty, Mary	land, co	nsidered	the peti	tion of		
12	Kello	gg CCF	P, LLC, c	o Prest	on Sche	ffenacke	er Proper	ties, Inc	. for an a	amendm	ent to th	e Zoning	g Regula	tions		
13	to ame	end the	Section	127.4: ገ	TOD (Tı	ansit Or	iented D	evelopn	nent) Dis	strict reg	gulations	to estab	lish new			

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regulations applicable only to TOD development projects of 50 or more acres to encourage well-designed multi-use centers; to add multi-family dwellings as a permitted use subject to certain criteria; and to revise the commercial use regulations concerning the building-type limitations for such uses and concerning drivethrough service limitations for such uses.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the proposed amendments are in harmony with the General Plan policies concerning Route 1 Corridor revitalization and the provision of a diversity of housing types. Staff presented the Board with changes to Attachment C of the Staff Report that would have Section 127.4.C read "The following commercial uses are permitted as a matter of right in any building or parking structure having multiple stories or in a single story building or parking structure having a minimum height of 20 feet. One story commercial uses shall be limited to a maximum land area of eight percent of the TOD gross acreage, not to exceed 25,000 square feet of building."

The Petitioner was represented by William Erskine. Also present for the Petitioner was David Scheffenacker. Mr. Erskine stated that there are not specific evaluation factors for changes to proffers. He emphasized that this proposal is very consistent with the policies in the recently approved General Plan. Mr. Scheffenacker stated that the overall vision for the project has not changed and that the intention is still to create a green, high-density community. He explained that they have a much better concept of the project now, and that the market considerations lead to providing some for-sale housing like townhouses. Mr. Scheffenacker noted that they hope to be able to provide pedestrian access to the MARC station in

approximately three to four years.

Cathy Hudson commented that she finds it surprising that the planning for this expanded project is not taking into consideration the planning for school capacities.

The Planning Board expressed objections and concerns about the proposal to allow drive-through service uses. It was stated that this type of use is not in keeping with the concept of a TOD District development, and it was pointed out that in the Maple Lawn Mixed Use Development, such uses are prevalent and this has significantly reduced the "walkable" design originally intended. The Board agreed that it found no need to create a new category for TOD projects over 50 acres and instead, the acceptable text amendments should apply to all TOD projects. Mr. Santos made the motion to recommend approval of the petition provided that it be applied to all TOD properties, not just those 50 acres or larger, that the amendments to permit drive-through service are eliminated and that amended language to Section 127.4.C in Attachment C as suggested by staff be included. Mr. Tzuker seconded the motion. The motion passed by a vote of 5 to 0 with one Board member noting that they were not in favor of removing drive-through's.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25 day of October, 2012, recommends that ZRA 140, as described above, be APPROVED, provided that it be applied to all TOD properties, not just those 50 acres or larger, and provided that that the amendments to permit drive-through service are eliminated.

HOWARD COUNTY PLANNING BOARD

Deurid Stabouski David Grabowski, Chairman	¥B
Paul Yelder Paul Yelder	JB
Joshua Tzuker	H.
Bill Santer	JB
Jacqueline Easley Requeline Easley	¥°

ATTEST:

Marsha S. McLaughlin, Executive Secretary